

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 193474

12

ORIGIN EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

 DOTE-00 INR-07 NSAE-00 FAA-00 L-03 /026 R

DRAFTED BY EB/AN:AJRIMAS:DAP

APPROVED BY EB/AN:WBCOBB

CAB - C. COLDREN

ARA/BR - T. SHUGART

ARA/BR - R.W. ZIMMERMANN

ARA - A. FISHLOW

----- 074893

R 142312Z AUG 75

FM SECSTATE WASHDC

TO AMEMBASSY BRASILIA

AMCONSUL RIO DE JANEIRO

LIMITED OFFICIAL USE STATE 193474

E.O. 11652: N/A

TAGS: EAIR, BR

SUBJECT: CIVAIR: VARIG SCHEDULE FILINGS

REF: BRASILIA 6413

1. IN LETTER DATED JULY 30, VARIG INFORMED CAB THAT AIRLINE HAD BEEN DIRECTED BY BRAZILIAN MINISTRY OF AERONAUTICS NOT TO COMPLY WITH CAB ORDER TO FILE SCHEDULE ON GROUNDS THAT "ORDER IS A UNILATERAL ACTION BY THE UNITED STATES IN VIOLATION OF THE AIR TRANSPORT SERVICES AGREEMENT". AIRLINE FURTHER REQUESTED CAB TO WITHDRAW OR VACATE ORDER PENDING CONCLUSION OF THE PROPOSED USG/GOB BILATERAL CIVAIR CONSULTATIONS.

2. ON AUGUST 12, DR. CONSTANTINE C. MENGES, DIRECTOR, BUREAU OF INTERNATIONAL AFFAIRS, CAB, RESPONDED URGING LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 193474

AIRLINE TO COMPLY WITH CAB ORDER IMMEDIATELY. CAB LETTER

POINTS OUT THAT GOB REQUIRES US DESIGNATED CARRIERS TO
SUBMIT TO BRAZILIAN AUTHORITIES ALL SCHEDULES IN ADVANCE
OF IMPLEMENTATION DATE. REQUIREMENT IMPOSED BY CAB MERELY
PLACES DESIGNATED CARRIERS OF BOTH COUNTRIES ON EQUAL
BASIS. LETTER STATES THAT FAILURE BY VARIG TO FILE
SCHEDULES "COULD SUBJECT CARRIER TO SEVERE CIVIL AND

CRIMINAL PENALTIES AND POSSIBLY REVOCATION OF ITS FOREIGN
AIR CARRIER PERMIT" AND INDICATES THAT THE "MATTER IS
BEING REFERRED TO THE BUREAU OF ENFORCEMENT (CAB) FOR
APPROPRIATE ACTION". COPIES OF CORRESPONDENCE BEING
POUCHED.

3. INITIAL CAB APPROACH AS DESCRIBED ABOVE, IS AT
STAFF LEVEL AND HOPEFULLY ISSUE CAN BE RESOLVED WITHOUT
FURTHER ESCALATIONS. WE HOPE THAT EARLY COMPLIANCE CAN BE
OBTAINED WITHOUT RECOURSE TO PUNITIVE ACTION. EMBASSY
MAY INFORM APPROPRIATE BRAZILIAN AUTHORITIES ACCORDINGLY.

4. CONCERNING PARA 5 REFTTEL, ALTHOUGH WE HAVE NOTED
BRAZILIAN ACTIONS RE PAN AM'S OPERATIONS AND CONGONHAS
PROBLEM AS REPORTED REFTTEL, AND PREVIOUS CABLES RE THIS
SUBJECT, WE CONTINUE TO BELIEVE THAT CONSULTATIONS WOULD
CONTRIBUTE TO RESOLUTION OF CONGONHAS AND OTHER PENDING
PROBLEMS. VARIG'S REFUSAL TO COMPLY WITH CAB
ORDER UNDERSCORES NEED FOR TALKS. DEPARTMENT IS FURTHER
OF VIEW THAT NEW BRAZILIAN REGULATION PERMITTING CHARTER
OF DOMESTIC FLIGHTS BETWEEN GALEAO AND CONGONHAS IS
INSUFFICIENT TO COMPENSATE PAN AM FOR UNRESTRICTED
OPERATIONS OF VARIG ON THAT SECTOR. PAN AM'S POSITION
ALSO REMAINS AS PREVIOUSLY REPORTED; IT WISHES TO OBTAIN
SAME OPERATING RIGHTS INTO CONGONHAS AS ENJOYED BY ITS
COMPETITOR, VARIG.

5. QUESTION OF FUEL TAX EXEMPTION, WHICH ALSO WE WANT TO
DISCUSS DURING CONSULTATIONS, IS COVERED IN SEPTTEL. KISSINGER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, AIRLINES, AIR SCHEDULES, AVIATION AGREEMENTS, AVIATION REGULATIONS, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 14 AUG 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE193474
Document Source: CORE
Document Unique ID: 00
Drafter: AJRIMAS:DAP
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750282-0560
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750851/aaaabsto.tel
Line Count: 97
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 BRASILIA 6413
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 04 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 SEP 2003 by CunninFX>; APPROVED <26 NOV 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: VARIG SCHEDULE FILINGS
TAGS: EAIR, BR, CAB, VARIG
To: BRASILIA RIO DE JANEIRO
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006